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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,549	12/04/2001	Charles H. Culp	017575.0491	7208

7590 10/18/2004

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EXAMINER
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KIM, PAUL L

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/004,549	<b>Applicant(s)</b> CULP ET AL.	
	<b>Examiner</b> Paul L Kim	<b>Art Unit</b> 2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-16 and 19-25 is/are rejected.
- 7) ☒ Claim(s) 3,4,17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6-13, 15, 16, and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cmar in view of Woolard et al.

With regard to claims 1, 2, 6, 7, 13, and 16, Cmar teaches a method for remote energy consumption of a facility comprising: receiving aggregated energy consumption data associated with the facility (abstract), receiving external variable data for the facility corresponding to the aggregated consumption data (fig. 3a, part 1a), generating facility data associated with the facility (fig. 3a, part 1b), generating disaggregated energy consumption data for the facility from the aggregated energy consumption data using the facility data and the external variable data (fig. 3b, step 5), and identifying an energy consumption system of the facility using the disaggregated energy consumption data (fig. 3f, step 19, fig. 7b, and col. 4, lines 47+). Cmar, however, does not specify generating disaggregated energy data remotely. Woolard et al teaches an energy management system that receives energy consumption and external variable data associated with a facility and remotely generates energy consumption component data for the facility (col. 2, lines 43+). Since Cmar and Woolard et al are both within the art of providing energy consumption data of a facility and since it is well known to send

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characteristic information of a device over a distance, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Cmar so that energy consumption data is remotely disaggregated, as taught by Woolard et al, so as to derive the added benefit of convenience and cost savings from processing information at one remote location.

With regard to claims 8, 9, 21, and 22, Cmar teaches generating facility data based on aggregated energy consumption data (fig. 3a, part 1b) and facility characteristics (fig. 3a, part 1).

With regard to claims 10, 11, and 23, Cmar teaches receiving the external variable data comprises receiving environmental data corresponding to the aggregated consumption data from an environmental service (fig. 3a, part 1a).

With regard to claims 12, 24, and 25, Cmar teaches determining a modification of operating parameters of the energy consumption system using disaggregated energy consumption data (fig. 3d, step 5).

With regard to claims 15 and 20, Cmar teaches a system for remote energy consumption of a facility comprising: a processor and memory (col. 7, lines 25-28), databases (figs. 1a, 1b, and 1c), and an analysis engine residing in the memory able to generate aggregated energy consumption data associated with the facility (abstract), external variable data for the facility corresponding to the aggregated consumption data (fig. 3a, part 1a), facility data associated with the facility (fig. 3a, part 1b), disaggregated energy consumption data for the facility from the aggregated energy consumption data using the facility data and the external variable data (fig. 3b, step 5), and identifying an

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energy consumption system of the facility using the disaggregated energy consumption data (fig. 3f, step 19, fig. 7b, and col. 4, lines 47+).

3. Claims 5, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cmar in view of Zaloom.

Cmar does not specify accessing an energy consumption database of an energy supplier and evaluating the data to generate disaggregated energy consumption data corresponding to the facility. Zaloom teaches accessing an energy consumption database of a supplier that accesses and evaluates energy consumption data to generate disaggregated energy data corresponding to a facility (figs. 2a & 2b). Since Cmar and Zaloom are both within the art of analyzing energy consumption of a facility, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Cmar, so that data energy data from a supplier can be accessed, as taught by Zaloom, so as to derive the benefit of added conveniences by examining a report for energy analysis.

#### ***Allowable Subject Matter***

4. Claims 3, 4, 17, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

5. Applicant's arguments filed July 13, 2004 have been fully considered but they are not persuasive.

With regard to arguments on top of page 8 that Cmar does not teach "generating" facility data, it is inherent that in order to be able to receive facility data, the data had to be generated in the first place. In column 17, lines 36-39, Cmar teaches facility statistics being *provided* by the ECM. Although Cmar teaches the use of minimal facility data, Cmar also discloses that the system is capable of being operated with complete facility data (col. 7, lines 60-61).

On the bottom of page 8, applicant points out that Cmar teaches using billing data to calculate aggregated and disaggregated energy consumption. However, while Cmar does not directly teach aggregating and disaggregating energy consumption data, it is inherent that energy billing data is a form of energy consumption data since energy billing dollar amount is proportional to energy usage.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is 571-272-2217. The examiner can normally be reached on Monday-Thursday 10:00-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PK  
October 12, 2004



PATRICK ASSOUD  
PRIMARY EXAMINER